THE DEATH OF EDITH CAVELL.

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THE DEATH
OF
EDITH CAVELL.

"What year in our history has done more to justify our faith in the manhood and the womanhood of our people? It has brought us the imperishable story of the last hours of Edith Cavell facing a worse ordeal than the battlefield — the moments creeping on slowly and remorselessly and death already swallowed up in victory. She has taught the bravest man among us a supreme lesson of courage."

—THE PRIME MINISTER, *Tuesday, Nov. 2nd.*

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THE DEATH OF EDITH CAVELL.

I. Edith Cavell's Life.

EDITH CAVELL was forty-three years old when she died. She was born in 1872 at the village of Swardeston, in Norfolk, of which her father was rector; and she grew up there in the country with her parents. During her childhood, Florence Nightingale's life-work was beginning to bear fruit in a great development of trained nursing in England. The girls of Edith Cavell's generation found a wonderful field of service opening before them, and Edith Cavell herself was one of those that entered upon it. There is no need to tell how unselfish and unwearying she was in her vocation. For anyone acquainted with the tradition and practice of nursing in England, it will be enough to know that she did honour to her profession. But we ought to add that her skill was on a level with her devotion;

for it was this professional skill that singled her out for the important post which she occupied during the last few years of her life, and which occasioned the circumstances of her heroic death.

Miss Cavell began her training at the London Hospital when she was twenty-one. She qualified in 1896, and distinguished herself by ten years of responsible work in England, until she was called to a still more arduous mission abroad. Thanks to Florence Nightingale's inspiration, English nursing had outstripped the rest of the world in its development, and other countries were applying for English nurses to instruct them in the new English methods. One of these countries was Belgium. A "Belgian School of Certificated Nurses" was in process of foundation at Brussels, and in 1906 Miss Cavell was asked, and consented, to be its first directress. In addition to her professional experience and enthusiasm, she was especially

qualified for the task by the fact that she had spent several years of her girlhood in Brussels at school, and so was already familiar with Belgian life. The patrons of the new Nursing Institute found reason to congratulate themselves on their choice, and looked forward to the great development of the nursing profession in Belgium which Miss Cavell, with half her life before her, would achieve.

But she was not to achieve it, for in the eighth year of her pioneer-work came the war.

II. The Arrest.

She was spending a holiday with her mother in England at the moment war broke out, and she had no difficulty in deciding where her duty lay. Germany had revealed her criminal designs against Belgium. There would be work in Brussels for her to do, and she returned immediately to do it. She arrived in time to share the terrible experience of the German entry into

the Belgian capital, and then absorbed herself in the duties that crowded upon her.

The Training Institute, of course, transformed itself under Miss Cavell's direction into a hospital for sick and wounded soldiers. Belgians, Frenchmen and Englishmen, as well as the German invaders, all came under her impartial care; and she nursed friend and foe with the single-minded devotion and humanity that is the creed of her calling. But she did not limit her services to this. She took counsel with her Belgian friends, and succeeded, with their assistance, in conveying many of her French, British and Belgian patients, as they recovered, to the farther side of the Dutch Frontier, that they might fight again for the common cause instead of undergoing whatever fate the German authorities allotted to convalescent prisoners-of-war. She also helped in the escape of Belgian civilians of military age, who had been overtaken, before they could join the colours, by the rapidity of the

German advance, and were being held at home in virtual captivity by every means in the German Government's power.

So she worked for a year—a year of military nursing, and nine months of friendship in need to her friends and fellow-countrymen—until the German Administration in Belgium discovered her share in the escapes. They acted immediately upon the discovery, and one evening Edith Cavell was arrested at her hospital by soldiers and carried away to the military prison of St.-Gilles. This was on August 5th, 1915.

III. The American Legation Intervenes.

The German authorities kept what they had done to themselves. Edith Cavell had been three weeks in prison before her family in England heard of her arrest, and then they only heard of it privately from a traveller who happened to have come from Belgium since the event. They

communicated the news to the Foreign office, and action was immediately taken by Sir Edward Grey. When the Germans occupied Brussels, the American Minister there took charge of British interests in the occupied territory. The chief of these interests was, of course, the protection of any British subjects that remained in this territory from wrongful treatment at the invaders' hands. And Sir Edward Grey accordingly sent a note on August 26th to Mr. Page, the United States Ambassador in London, requesting him to inquire of the United States Minister at Brussels, by telegraph, whether the report of Miss Cavell's arrest were correct, and, if it were, what reason had been alleged in explanation.

We may take this opportunity to record, at the outset, the magnificent loyalty with which the American Legation at Brussels, and all those connected with it, exerted themselves from first to last in their voluntarily accepted trust on

Edith Cavell's behalf. We shall repeatedly have occasion, in the course of this narrative, to admire the forethought and the energy, the tact and the feeling of these noble public servants of the United States. And in doing this service they were serving not their country alone, nor yet the kindred nation which had entrusted them with the protection of its citizens under a hostile and violent-handed military administration; they were serving humanity, and standing for the principles of civilisation.

"Sir E. Grey would request Mr. Page to express to Mr. Whitlock and the staff of the United States Legation at Brussels the grateful thanks of His Majesty's Government for their untiring efforts on Miss Cavell's behalf. He is fully satisfied that no stone was left unturned to secure for Miss Cavell a fair trial, and, when sentence had been pronounced, a mitigation thereof."

*

These were the words in which the representative of Great Britain expressed his gratitude to the American diplomatists at Brussels after the whole tragedy was over, and they will be endorsed by every civilised man or woman in the world.

This magnificent spirit of the American officials became apparent as soon as the call was made. On receiving Sir Edward Grey's note, Mr. Page acted as promptly as Sir Edward himself. He telegraphed to his colleague at Brussels, Mr. Whitlock, next morning; and four days later, on August 31st, Mr. Whitlock addressed an inquiry on the subject to Baron von der Lancken, the chief of the "Political Department" (Politische Abteilung) of the German Military Government in the conquered territory. Here is Mr. Whitlock's note*:

*All documents quoted in this pamphlet are taken word for word from the British "White Paper," *Miscellaneous, No.* 17 (1915), entitled, "Correspondence with the United States Ambassador Respecting the Execution of Miss Cavell at Brussels."

"*Brussels,*

"Your Excellency, *August* 31, 1915.

"MY Legation has just been informed that Miss Edith Cavell, a British subject residing in the Rue de la Culture, Brussels, is said to have been arrested.

"I should be greatly obliged if your Excellency would be good enough to let me know whether this report is true, and, if so, the reasons for her arrest. I should also be grateful in that case if your Excellency would furnish this Legation with the necessary authorisation from the German judicial authorities, so that M. de Leval may consult with Miss Cavell, and eventually entrust someone with her defence.

I avail, etc.,

BRAND WHITLOCK."

This was written on August 31st, and after waiting ten days without being vouchsafed an

answer, Mr. Whitlock followed it up in another note on September 10th:

"THE United States Minister presents his compliments to Baron von der Lancken and has the honour to draw his Excellency's attention to his letter of the 31st August, respecting the arrest of Miss Cavell, to which no reply has yet been received.

"As the Minister has been requested by telegraph to take charge of Miss Cavell's defence without delay, he would be greatly obliged if Baron von der Lancken would enable him to take forthwith such steps as may be necessary for this defence, and to answer by telegraph to the despatch which he has received.

"*Brussels, September* 10, 1915."

The Chief of the German "Political Department" could not ignore the American Minister at Brussels a second time. Baron von der

Lancken was compelled to answer, and here is what he wrote in reply:

"Political Department
of the
Governor-General in Belgium.
I. 6940.

Brussels,

"Sir *September* 12, 1915.

"IN reply to your Excellency's note of the 31st ultimo, I have the honour to inform you that Miss Edith Cavell was arrested on the 5th August, and that she is at present in the Military prison of St.-Gilles.

"She has herself admitted that she concealed in her house French and English soldiers, as well as Belgians of military age, all desirous of proceeding to the front. She has also admitted having furnished these soldiers with the money necessary for their journey to France, and having facilitated their departure from Belgium by providing them

with guides, who enabled them to cross the Dutch Frontier secretly.

"Miss Cavell's defence is in the hands of the advocate Braun, who, I may add, is already in touch with the competent German authorities.

"In view of the fact that the Department of the Governor-General as a matter of principle does not allow accused persons to have any interviews whatever, I much regret my inability to procure for M. de Leval permission to visit Miss Cavell as long as she is in solitary confinement. I avail, etc.,

LANCKEN."

This was written on September 12th, more than five weeks after Miss Cavell's imprisonment. These five weeks of precious time, during which they had staved off any intervention on her behalf, were a triumph for the German authorities; but at last they had been compelled to show their hand. They had announced the

offence of which Miss Cavell was accused, and revealed the name of the advocate who was conducting her case.

It might seem a strange "principle" of the Governor-General's Department, "not to allow accused persons to have any interviews whatever." It is not a principle that would commend itself to English or American ideas of justice. But that might pass. The important thing was that the American Legation had now a basis on which to act.

IV. M. de Leval Takes Steps.

At this stage, as at all others, the American officials acted with superb zeal and promptitude. M. de Leval, whose name is referred to in Mr. Whitlock's first note and Baron von der Lancken's final reply, is a Belgian advocate retained as Legal Counsellor by the United States Legation in the Belgian capital; and in a report from his own pen, which he drew up for Mr.

Whitlock after the whole tragedy was over, he very clearly describes the successive steps he took in the case.

As he might not see Miss Cavell, M. de Leval got into touch with her advocate, M. Braun. At his request M. Braun came to call on him at the Legation a few days later. It appeared that he was a member of the Brussels Bar, and that he had been asked by personal friends of Miss Cavell to defend her before the German Court; "but owing (he said) to some unforeseen circumstances he was prevented from pleading before that Court." This, then, was the outcome of his dealings with "the competent German authorities." M. de Leval had wasted his time, the Political Department had gained a few more days. But perhaps there was more behind it than that. M. Braun added that "he had asked M. Kirschen, a member (likewise) of the Brussels Bar, and his friend, to take up the case and plead for Miss Cavell, and that M. Kirschen

had agreed to do so." Now, there is no question of M. Braun's personal good intentions and good faith. He had been asked to take up the case independently by Edith Cavell's friends, and had independently undertaken to do so. But when we come, in the sequel, to M. Kirschen's behaviour, we shall find ourselves passing a very different judgment on his character—such a judgment, in fact, as to make us speculate whether, in his selection of M. Kirschen, M. Braun was equally independent, or whether, perchance, his choice of a successor was not uninfluenced by "the competent German authorities."

V. The Advocate Kirschen.

However, that was more than M. de Leval could foresee at the moment. Under the circumstances, he took the only possible course, and proceeded to put himself in touch with M. Kirschen, who, after a slight further delay,

accorded him the interview for which he asked. In the course of this interview M. Kirschen told M. de Leval a number of important and even remarkable things, which deserve to be reproduced here as carefully as M. de Leval has recorded them in his official report:

(i.) When M. de Leval asked M. Kirschen whether he had seen Miss Cavell, and whether she had made any statement to him, M. Kirschen informed him that *the lawyers defending prisoners before the German Military Court were not allowed to see their clients before the trial, and were not shown any document of the prosecution.* This, he added, was in accordance with the German military rules.

(ii.) He declared that the hearing of the trial of such cases was carried out very carefully, and that, in his opinion, although it was not possible to see the client before the

trial, in fact the *trial itself developed so carefully and so slowly*, that it was generally possible to have a fair knowledge of all the facts and to present a good defence for the prisoner. This would specially be the case for Miss Cavell, because *the trial would be rather long*, as she was prosecuted with thirty-four other prisoners. He assured M. de Leval over and over again that the Military Court at Brussels was always perfectly fair, and that there was not the slightest danger of any miscarriage of justice.

(iii.) On learning of M. de Leval's intention to be present at the trial, so as to watch the case, M. Kirschen strongly dissuaded him from doing so. Such an attitude, he said, would cause a great prejudice to the prisoner, because the German judges would resent it and feel it almost as an affront if M. de Leval appeared to exercise a kind of

supervision on the trial. He thought that if the Germans would admit M. de Leval's presence, which was very doubtful, it would in any case cause prejudice to Miss Cavell.

(iv.) *He promised that he would keep M. de Leval posted on all the developments which the case might take*, and would report to him the exact charges that were brought against Miss Cavell, and the facts concerning her that would be disclosed at the trial, so as to allow him to judge for himself about the merits of the case.

(v.) He insisted that he would do all that was humanly possible to defend Miss Cavell to the best of his ability.

With this, M. Kirschen took his departure, leaving things very much where they were before. If the prisoner's own advocate was legally prohibited from communicating with her before the trial began, there was clearly nothing to be

done meanwhile by her friends at the American Legation.

So darkness descended again on the case for another three weeks, until, on Monday, October 4th, M. Kirschen duly notified M. de Leval that the trial was to begin on the following Thursday, October 7th. Upon the receipt of this news, M. de Leval immediately wrote M. Kirschen a letter "confirming in writing in the name of the Legation the arrangement that had been made between them at their previous interview." For reasons which will appear later on, it will be as well to reprint this letter in full:

"*Brussels*,

"Sir, "*October* 5, 1915.

"I THANK you for the letter you were so good as to address to M. de Leval, in which you informed him that Miss Cavell's case would come before the court-martial at 8 a.m. next Thursday. In pursuance of the arrangement already come to, I should be most grate-

ful if you will be so good as to send me, after the hearing, a memorandum setting forth the acts for which Miss Cavell is being prosecuted, and stating the charges which are brought against her at the hearing, and also the sentence passed.

I am, etc.
(For the Minister),
G. DE LEVAL,
Legal Adviser to the Legation."

This letter was delivered to M. Kirschen by a messenger of the Legation, and M. de Leval waited anxiously for his next report.

VI. The Trial.

On Thursday, October 7th, the trial of Edith Cavell and her fellow-prisoners began. It was nine weeks since her first arrest and imprisonment. That had been on August 5th, and all this time she had been retained (unconvicted though she was) in solitary confinement, cut off from com-

munion with her friends and from all intercourse whatsoever with the outside world. Now she was brought before the Military Court to be convicted—the only verdict by which her judges could justify the conduct of her gaolers.

M. de Leval was not present at the trial—he could hardly have gone against M. Kirschen's deliberately expressed advice—but he has embodied in his report a very exact account of the proceedings, which he afterwards obtained from someone who had taken part in them. We may say at once that this informant was *not* M. Kirschen. How that came to be will appear hereafter. Meanwhile, it is sufficient to indicate the source from which M. de Leval's narrative comes, and we may draw on it with confidence for our own information.

"Miss Cavell (says M. de Leval's informant) was prosecuted for having helped English and French soldiers, as well as Belgian young men, to cross the frontier and to

go over to England. She had admitted by signing a statement before the day of the trial, and by public acknowledgment in Court, in the presence of all the other prisoners, and the lawyers, that she was guilty of the charges brought against her."

The penalty fixed for these actions by German Military Law is death.

"Paragraph 58 of the German Military Code says:

"Will be sentenced to death for treason any person who, with the intention of helping the hostile power, or of causing harm to the German or allied troops, is guilty of one of the crimes of paragraph 90 of the German Penal Code."

"The case referred to in above said paragraph 90 consists in:

". . . . conducting soldiers to the enemy . . . . . (viz.: 'dem Feinde Mannschaften zuführt').

"The penalties above set forth apply, according to paragraph 160 of the German Code, in case of war, to foreigners as well as to Germans."

Now, Edith Cavell was undoubtedly aware from the beginning of the extreme penalty she was incurring under the German Military Code. She did not succour her friends and compatriots in distress because she thought she could do so with impunity. She succoured them, in the first place, from pure humanity—a humanity which has been shown by women through all ages to fugitives wounded and in distress; and, in the second place, because she thought (as she declared in Court) that she was doing her unquestionable duty to her country. But she knew all the while that she was doing it at the risk of her life; and, knowing this, she never demeaned herself by excusing or minimising what she had done, but willingly responded to her inquisitors by an admission of all, and more than all, their charges.

Edith Cavell's own position in the case is simple and heroic. The position of the German authorities is very different indeed.

In defending their conduct, the Germans lay great stress on the fact that their victim had done what she did with open eyes. Here, for instance, is a quotation from a statement vouchsafed to an American journalist by Herr Zimmermann, the Imperial German Under-Secretary-of-State for Foreign Affairs:

> "All those convicted were fully cognisant of the significance of their actions. The Court went into just this point with particular care, and acquitted several co-defendants because it believed a doubt existed regarding their knowledge of the penalties of their actions."

That might conceivably settle the issue between the executioners and the dead, but it cannot absolve Germany in the judgment of the civilised world. What justifies a law? Certainly not the mere drafting of it, or its publication to

those whom it may concern. Otherwise, the vilest law would possess an equal sanction with the best, and a band of ruffians with brute force at their command could foist any atrocity as law upon the world. The only sanction of a law is the moral conviction of humanity that it is right, and paragraphs 58 and 90 of the German Military Code will be stripped of their legality under this ordeal. No civilised man or woman will admit for a moment that Edith Cavell deserved the penalty of death for the offence she had committed against the German Empire. Herr Zimmermann strains his hardest to prove that she did. He exaggerates, he prevaricates, he gravitates into open falsehood. But it is only himself and his country that he convicts:

> "In the Cavell case (Herr Zimmermann pronounces) we are in presence of a well-thought-out, *world-wide* conspiracy which succeeded for nine months in rendering the most valuable service to the enemy to the disadvantage of our Army.

"*Countless* British, Belgian, and French soldiers are now again fighting in the Allies' ranks who owe their escape from Belgium to the activity of the band now sentenced, at the head of which stood Miss Cavell."

"A world-wide conspiracy"—that is how he describes a little band of thirty-five men and women in a Belgian province. "Countless enemy soldiers enabled to escape"—that is a round number for the few dozen wounded men and fugitives who were actually conveyed across the Dutch Frontier by the good offices of Miss Cavell and her friends.

"With such a situation under the eyes of the authorities (he continues), only the utmost severity can bring relief, and a Government violates the most elementary duty towards its army that does not adopt the strictest measures. These duties in war are greater than any other."

So Miss Cavell, it appears, had seriously

compromised the safety of the German Army! These few dozen refugees—or few hundred, or few thousand, if Herr Zimmermann asks for the benefit of the number—were gravely altering the balance of forces on the Western Front! That is what Herr Zimmermann implies, and we have only to state it to expose its absurdity; but, after all, it is not the fundamental question at issue. Who were these Englishmen, Frenchmen, and Belgians in the case? They were not invaders, or raiders, or spies. They were men wounded or missing from armies fighting for the liberty of the country in which they found themselves, or they were citizens of that country seeking an opportunity to give her their service. Their hope was to escape from the hand of the enemy, in order to take up the duty to which they were called; and the alternative that faced them was terrible. If they did not escape, they would either be shot summarily by German patrols (Edith Cavell, their rescuer, declared this at her trial, and her

judges did not contradict her), or they would be doomed to the lingering torment of the German prison-camps, from which death, again, was the final and only relief.* And as for the rescuers themselves, they were no more intruders than those they rescued, nor on ground where they had no right to be. Most of them were natives and citizens of Belgium, while Edith Cavell—the "head of the conspiracy," as Herr Zimmermann prefers to call her—had come to Belgium, on the invitation of the Belgians themselves, to carry out a work of public beneficence, on which she had already been engaged for more than eight years. And the acts for which they were now arraigned were likewise acts of mercy, which women, at any rate (and many of the "band" were women, besides their "head"), have never refused to perform on behalf of fellow-creatures in distress, and which have never among civilised

* For the treatment of prisoners of war in Germany, see the British "White-Paper" Miscellaneous No. 12 (1915) [Cd. 7862.].

men been reckoned against them as a crime.

These were the people against whom the German administration was obliged to "adopt the strictest measures," for fear of "violating the most elementary duty towards its army." Herr Zimmermann's phrases are so complacent and so officially correct, that it needs an effort to remind ourselves what that army actually was. It was the German Army which had invaded without provocation a country whose inviolability the German Government had solemnly guaranteed. It was the army which had treated the helpless and innocent population among whom it came as no invaded people for centuries had been treated by European soldiers —the army that plundered and burnt and slaughtered and ravished. The German Army, it is to be supposed, had committed itself to its career of "frightfulness" in Belgium in order not to fail in its duty towards the German Government; and now the Government was in-

flicting the same "frightfulness" on Miss Cavell in order to carry out its duty to the Army. The German Army and the German Government have indeed proved not unworthy of one another.

No consideration whatsoever was allowed, in Edith Cavell's case, to weigh in the balance against this German principle. Herr Zimmermann, of course, repudiates emphatically the consideration of sex. It is enough for him that "no law book in the world, least of all those dealing with war regulations, makes any such differentiation." But even if Edith Cavell had been a spy, even if she had been a male spy and not a woman, there were further circumstances in the case which Herr Zimmermann leaves discreetly out of account, but which will weigh more strongly with the rest of the world.

It is not an unimportant point that, even under the German Military Law by which she was tried, Edith Cavell was only rendered amen-

able to the death-penalty by evidence which she volunteered of her own accord, and which no one else could have obtained against her. M. de Leval's informant told him that:

> "She had acknowledged not only that she had helped these soldiers to cross the frontier, but also that some of them had thanked her in writing when arriving in England. This last admission made her case so much the more serious, because if it only had been proved against her that she had helped the soldiers to traverse the Dutch Frontier, and no proof was produced that these soldiers had reached a country at war with Germany, she could only have been sentenced for an attempt to commit the 'crime,' and not for the 'crime' being duly accomplished."

That was one point in the case, but there is another which would have appealed still more directly to any judge whose human instincts had not been warped by German Military Law,

Edith Cavell was an English patriot, but first and foremost she was a nurse, inflexibly constant to the high ideals of her calling. If part of her efforts had been given, during those nine months, to assisting her convalescent patients to escape, her daily labours were spent, as they always had been, on the unconditional service of the sick. She had not only succoured the English, French, and Belgian wounded that came under her care; she had nursed Germans as well —nursed them back to life that they might fight again for their own country, with just the same devotion as she displayed to those others whom she was sending home to fight for a cause which was hers as well as theirs.

That service to their wounded comrades should have made Edith Cavell's life sacred in the eyes of the German officers who condemned her to death. It should have reprieved her even if she had been a spy, or if the German people and the German Under-Secretary for Foreign

Affairs had been more sincerely convinced than they were that the infinitely less serious offence which she had committed was justly punishable by the penalty assigned to it under German-made Military Law. Her execution, under whatever code, was an outrage to humanity, and the voice of humanity speaks in the following sentences of Sir Edward Grey*:

"Sir E. Grey is confident that the news of the execution of this noble Englishwoman will be received with horror and disgust, not only in the Allied States, but throughout the civilised world. Miss Cavell was not even charged with espionage, and the fact that she had nursed numbers of wounded German soldiers might have been regarded as a complete reason in itself for treating her with leniency."

But the German authorities were not

* Quoted from his letter addressed to Mr. Page, the United States Ambassador in London, after the perpetration of the deed.

governed by such considerations. Their thought was not of justice, but of results.

"Once for all" (states Herr Zimmermann), "the activity of our enemies has been stopped, and *the sentence has been carried out to frighten those who may presume on their sex to take part in enterprises punishable with death.*"

Those words have a familiar sound, and they admit the uttermost of the charge they were intended to rebut. It is the old, futile, abominable policy of "Frightfulness" once more, and Edith Cavell is its latest victim.

From the beginning there was no doubt about the intentions of the Military Court. Their purpose is written large in the narrative of the trial which M. de Leval had from his informant, and which he incorporated in his own Report.

"In her oral statement before the Court, Miss Cavell disclosed almost all the facts of the whole prosecution. She was questioned

in German, an interpreter translating all the questions in French, with which language Miss Cavell was well acquainted. She spoke without trembling and showed a clear mind. Often she added some greater precision to her previous depositions.

"When she was asked why she helped these soldiers to go to England, she replied that she thought that if she had not done so they would have been shot by the Germans, and that therefore she thought she only did her duty to her country in saving their lives.

"The Military Public Prosecutor said that argument might be good for English soldiers, but did not apply to Belgian young men whom she induced to cross the frontier, and who would have been perfectly free to remain in the country without danger to their lives.

"M. Kirschen made a very good plea for Miss Cavell, using all arguments that could be brought in her favour before the Court."

We may note in passing that the "competent German authorities" could take no umbrage at M. Kirschen's fine speeches. They lent the proceedings a savour of free debate, and they were not likely to prejudice the military judges. At any rate, the prosecutor was not embarrassed by them, as the sequel of the narrative shows:

> "*The Military Public Prosecutor, however, asked the Court to pass a death sentence on Miss Cavell* and eight other prisoners amongst the thirty-five. The Court did not seem to agree, and the judgment was postponed. The person informing me said he thought that the Court would not go to the extreme limit."

These were the first impressions of a looker-on, and we cannot help marvelling at the artistic solemnity with which the sinister show was played through.

VII. Kirschen's Silence and Conrad's Assurances.

The Court rose on Friday, October 8th, one day after its sitting had begun. Meanwhile, M. de Leval was waiting for M. Kirschen's next communication. He did not expect to hear that the Court had risen—M. Kirschen had himself assured him that "the hearing would be carried out very carefully and the trial would be rather long"—but he was hoping for a report from the prisoner's advocate of the first phases in the defence. His astonishment was therefore considerable when he was informed by an outsider* that "the trial had taken place, though no judgment would be reached till a few days later." This was on Saturday, October 9th, and not a word from M. Kirschen had been received.

"Receiving no report from M. Kirschen," continues M. de Leval, "I tried to find him,

* Not to be confused with the eye-witness who afterwards furnished him with the narrative of the trial.

but failed. I then sent him a note on Sunday, asking him to send his report to the Legation or call there on Monday morning at 8.30. ". . . On Monday morning I was very much surprised still to receive no news from M. Kirschen, and I called at his house at 12.30; but I was informed that he would not be there till about the end of the afternoon. I then called, at 12.40, at the house of another lawyer interested in the case of a fellow-prisoner, and found that he also was out. In the afternoon, however, the latter lawyer called at my house, saying that in the morning he had heard from the German Kommandatur that judgment would be passed only the next morning—viz., Tuesday morning. He said that he feared that the Court would be very severe for all the prisoners.

"Shortly after, this lawyer left me. . . ."

And that is the last that has been heard of M. Kirschen. Doubtless he has had his reward,

for his utility to the "competent German authorities" had been inestimable. From Thursday, October 7th, to the afternoon of Monday, October 11th—the most critical days in their operations against Edith Cavell—he had stood between them and her friends at the American Legation.

He had not shielded them completely, however, owing to the perseverance of M. de Leval. On Sunday evening, the narrative of the trial which we have quoted above was communicated to M. de Leval by a private person who had been a witness of the proceedings; and on receipt of this information, M. de Leval did not wait to hear the last of M. Kirschen before addressing himself directly to the German Governor-General's "Political Department." It will be better to give his account of what followed in his own words:

"After I had found out these facts (viz., Sunday evening), I called at the Political

Division of the German Government in Belgium and asked whether, now that the trial had taken place, permission would be granted to me to see Miss Cavell in jail, as surely there was no longer any object in refusing that permission. The German official, Mr. Conrad, said he would make the necessary enquiry at the Court and let me know later on.

"I also asked him that permission be granted to Mr. Gahan, the English clergyman, to see Miss Cavell.

"At the same time we prepared at the Legation, to be ready for every eventuality, a petition for pardon, addressed to the Governor-General in Belgium, and a transmitting note addressed to Baron von der Lancken.

"Monday morning at 11 I called up Mr. Conrad on the telephone from the Legation (as I already had done previously on several occasions when making enquiries about the case), asking what the Military Court had

decided about Mr. Gahan and myself seeing Miss Cavell. He replied that Mr. Gahan could not see her, but that she could see any of the three Protestant clergymen* attached to the prison; and that I could not see her till the judgment was pronounced and signed, but that this would probably only take place in a day or two. *I asked the German official to inform the Legation immediately after the passing of said judgment*, so that I might see Miss Cavell at once, thinking, of course, that the Legation might, according to your intentions,† take immediate steps for Miss Cavell's pardon if the judgment really was a sentence of death."

This, then, was the situation as it revealed itself to the American Legation on Monday morning. The Prosecutor had asked for a sentence of death, and the Court was still in council. It might issue a death-sentence at any moment, but it had

* Presumably of German nationality.
† M. de Leval's Report is addressed to Mr. Whitlock.

not done so yet, and there was a presumption that it would not do so for at least another day. This had been the impression of M. de Leval's two private informants, it had been the opinion of the advocate acting for one of Edith Cavell's co-defendants, and it had been endorsed by no less competent a German authority than Herr Conrad himself.

Again, there was nothing to do but to keep vigilant watch upon the march of events, and the American Legation performed their part once more with unfailing zeal and constancy.

At 11 o'clock on Monday morning "*Herr Conrad gave positive assurances that the Legation would be fully informed as to developments in this case.*"

That is, word for word, the categorical statement of Mr. Gibson, Secretary of the United States Legation at Brussels, in the report which he drew up for the Minister, Mr. Whitlock, on

the following day. But Edith Cavell's friends at the Legation did not rest content with that.

"Despite these assurances (Mr. Gibson continues), we made repeated enquiries in the course of the day, the last one being at 6.20 p.m., Belgian time. Mr. Conrad then stated that sentence had not yet been pronounced, and *specifically renewed his previous assurances that he would not fail to inform us as soon as there was any news.*"

This was at 6.20 p.m., and further enquiries and assurances would doubtless have been exchanged in the course of the evening, had not the process been cut short by a sudden blow.

"While," M. de Leval reports, "I was preparing a note about the case, at 8 p.m. I was privately and reliably informed that the judgment had been delivered at 5 o'clock in the afternoon, that Miss Cavell had been sentenced to death, *and that she would be shot at 2 o'clock the next morning.* I told my in-

former that I was extremely surprised at this, because the Legation had received no information yet, neither from the German authorities nor from Mr. Kirschen, but that the matter was too serious to run the smallest chance, and that therefore I would proceed immediately to the Legation to confer with your Excellency and take all possible steps to save Miss Cavell's life."

The death-sentence had been signed at 5 p.m. An hour and twenty minutes after its signature, Herr Conrad had once more assured the American Legation that nothing had happened and all was well. The Legation had learnt the truth at 8 o'clock, and still no intimation of it had been conveyed to them by the competent German authorities. The German authorities never informed them of the truth, until they were taxed with it by emissaries from the Legation itself.

At this point we may pause a moment to enumerate the chain of prevarications and subterfuges by which the German officials cheated Edith Cavell's legitimate friends and protectors at the American Legation of their unimpeachable right to supervise her case.

When Mr. Whitlock made his first enquiry at the "Political Department," on August 31st, Baron von der Lancken delayed his answer for twelve days, and then only vouchsafed it under pressure of a second and more urgent request. When Miss Cavell's friends appointed an advocate to conduct her case, the man of their choice, after getting into touch with the "competent German authorities," was compelled, "owing to some unforeseen circumstances," to transfer his brief to a more receptive colleague. The impression was created that the trial would be lengthy; it lasted two days. When the Court so abruptly rose, the further impression was created that the pronouncement of the

sentence would be some time deferred; it was delivered within seventy-two hours. Six hours before its delivery a high official in the "Political Department" gave the American Legation "positive assurances" that he would acquaint them immediately that event occurred. Neither he nor his colleagues ever gave them the least indication of it, and even when taxed with it cast doubt upon its truth, as will appear shortly hereafter.

We may sum up this charge by remarking that the German authorities only informed the American Legation, from beginning to end, of one positive fact—the name of Edith Cavell's first, and already superseded, advocate. And the advocate substituted in M. Braun's place only gave them knowledge of one single fact more—the date on which the trial was to begin. All the important facts—the fact that the Court had risen; the narrative of what had taken place before it rose, including the supremely important

fact that the death-penalty had been demanded; and the final fact that this sentence had already been pronounced—these were all communicated to the American Legation by private informants. They were the vital facts in the case, the facts which it was essential for them to know if they were to take effective action, and they learnt them, not from the German authorities and not from Edith Cavell's semi-official defender, but by chance alone, and at the eleventh hour.

This is how it is put by Sir Edward Grey:*

"The attitude of the German authorities is, if possible, rendered worse by the discreditable efforts successfully made by the officials of the German civil administration at Brussels to conceal the fact that sentence had been passed and would be carried out immediately. These efforts were no doubt prompted by the determination to carry out the sentence before an

* In the letter (already quoted) which he wrote to Mr. Page after the Germans had carried the case of Edith Cavell to its designed conclusion.

appeal from the finding of the court-martial could be made to a higher authority, and show in the clearest manner that the German authorities concerned were well aware that the carrying out of the sentence was not warranted by any consideration."

In these words he is merely expressing the feelings of the civilised world.

"Further comment on these proceedings," he adds, "would be superfluous."

VIII. Monday Night—The "Political Department."

It was the eleventh hour, yet the American Legation had no thought of abandoning the struggle. In view of this very eventuality they had drawn up the day before, with admirable foresight, two "pleas for mercy" (requêtes en grâce), of identical purport, but addressed respectively to Baron von der Lancken, the Chief of the Political Department, and to Baron von Bissing, the Governor-General of the Occupied

Territory. This appeal sets forth so cogently the considerations in Edith Cavell's favour that we reproduce it here as it stands:

"*Brussels*,

"Your Excellency, *October* 11, 1915.

"I HAVE just heard that Miss Cavell, a British subject, and consequently under the protection of my Legation, was this morning condemned to death by court-martial.

"If my informant is correct, the sentence in the present case is more severe than all the others that have been passed in similar cases which has been tried by the same court, and, without going into the reasons for such a drastic sentence, I feel that I have the right to appeal to your Excellency's feelings of humanity and generosity in Miss Cavell's favour, and to ask that the death-penalty passed on Miss Cavell may be commuted and that this unfortunate woman shall not be executed.

"Miss Cavell is the head of the Brussels Surgical Institute. She has spent her life in alleviating the sufferings of others, and her school has turned out many nurses who have watched at the bedside of the sick all the world over, in Germany as in Belgium. At the beginning of the war Miss Cavell bestowed her care as freely on the German soldiers as on others. Even in default of all other reasons, her career as a servant of humanity is such as to inspire the greatest sympathy and to call for pardon. If the information in my possession is correct, Miss Cavell, far from shielding herself, has, with commendable straightforwardness, admitted the truth of all the charges against her, and it is the very information which she herself has furnished, and which she alone was in a position to furnish, which has aggravated the severity of the sentence passed on her.

"It is then with confidence, and in the hope

of its favourable reception, that I have the honour to present to your Excellency my request for pardon on Miss Cavell's behalf.*

I avail, &c.,

BRAND WHITLOCK."

The one thing now to be done was to present this appeal at the earliest possible moment, and to reinforce it by personal representations of as weighty and as urgent a kind as possible. The American Minister, Mr. Whitlock, himself was unfortunately ill and confined to his bed. Yet he would not spare himself in his efforts on Edith Cavell's behalf. With his own hand he wrote a note of personal intercession, which

* This is the text of the appeal to the Governor-General. In the otherwise identical appeal to Baron von der Lancken the last paragraph runs:

"It is then with confidence, and in the hope of its favourable reception, that I beg your Excellency to submit to the Governor-General my request for pardon on Miss Cavell's behalf."

poignantly proves, if further proof were needed, how whole-hearted he was in his struggle for Edith Cavell's life.

"My dear Baron,

I AM too ill to present my request to you in person, but I appeal to the generosity of your heart to support it and save this unfortunate woman from death. Have pity on her!

Yours sincerely,

BRAND WHITLOCK."

This final appeal, as well as the more formal pleas for mercy that had been previously prepared, was taken charge of by Mr. Gibson, the Secretary of the Legation, and Mr. Whitlock's colleague and subordinate. Accompanied by M. de Leval, Mr. Gibson proceeded on his mission, and we shall quote what followed from his own official report.*

* Drawn up and dated the following day—Tuesday, October 12th. It is addressed to Mr. Whitlock.

"At 8.30 it was learned from an outside source that sentence had been passed in the course of the afternoon (before the last conversation with Mr. Conrad), and that the execution would take place during the night. In conformity with your instructions, I went (accompanied by M. de Leval) to look for the Spanish Minister, and found him dining at the home of Baron Lambert. I explained the circumstances to his Excellency and asked that (as you were ill and unable to go yourself) he go with us to see Baron von der Lancken and support as strongly as possible the plea, which I was to make in your name, that execution of the death-penalty should be deferred until the Governor could consider your appeal for clemency.

"We took with us a note addressed to Baron von der Lancken, and a plea for clemency ('requête en grâce') addressed to the Governor-General. The Spanish Minister willingly agreed to accompany us, and we went together to the Politische Abteilung.

"Baron von der Lancken and all the members of his staff were absent for the evening.

We sent a messenger to ask that he return at once to see us in regard to a matter of utmost urgency. A little after 10 o'clock he arrived, followed shortly after by Count Harrach and Herr von Falkenhausen, members of his staff. The circumstances of the case were explained to him and your note presented, and he read it aloud in our presence. He expressed disbelief in the report that sentence had actually been passed, and manifested some surprise that we should give credence to any report not emanating from official sources. He was quite insistent on knowing the exact source of our information, but this I did not feel at liberty to communicate to him. Baron von der Lancken stated that it was quite improbable that sentence had been pronounced, that even if so, it would not be executed within so short a time, and that in any event it would be quite impossible to take any action before morning. It was, of course, pointed out to him that if the facts were as we believed them to be, action would be useless unless taken at once. We urged him to ascertain the facts immediately, and this, after some hesitancy, he agreed to do. He

telephoned to the presiding judge of the court-martial and returned in a short time to say that the facts were as we had represented them, and that it was intended to carry out the sentence before morning. We then presented, as earnestly as possible, your plea for delay. So far as I am able to judge, we neglected to present no phase of the matter which might have had any effect, emphasising the horror of executing a woman, no matter what her offence, pointing out that the death-sentence had heretofore been imposed only for actual cases of espionage, and that Miss Cavell was not even accused by the German authorities of anything so serious. I further called attention to the failure to comply with Mr. Conrad's promise to inform the Legation of the sentence. I urged that inasmuch as the offences charged against Miss Cavell were long since accomplished, and that as she had been for some weeks in prison, a delay in carrying out the sentence could entail no danger to the German cause. I even went so far as to point out the fearful effect of a summary execution of this sort upon public opinion, both here and abroad, and, although

I had no authority for doing so, called attention to the possibility that it might bring about reprisals.

"The Spanish Minister forcibly supported all our representations and made an earnest plea for clemency.

"Baron von der Lancken stated that the Military Governor was the supreme authority ('Gerichtsherr') in matters of this sort; that appeal from his decision could be carried only to the Emperor, the Governor-General having no authority to intervene in such cases. He added that under the provisions of German martial law the Military Governor had discretionary power to accept or to refuse acceptance of an appeal for clemency. After some discussion he agreed to call the Military Governor on to the telephone and learn whether he had already ratified the sentence, and whether there was any chance for clemency. He returned in about half an hour, and stated that he had been to confer personally with the Military Governor, who said that he had acted in the case of Miss Cavell only after mature deliberation; that the circumstances in her case were of such a charac-

ter that he considered the infliction of the death penalty imperative; and that in view of the circumstances of this case he must decline to accept your plea for clemency or any representation in regard to the matter.

"Baron von der Lancken then asked me to take back the note which I had presented to him. To this I demurred, pointing out that it was not a 'requête en grâce,' but merely a note to him transmitting a communication to the Governor, which was itself to be considered as the 'requête en grâce.' I pointed out that this was expressly stated in your note to him, and tried to prevail upon him to keep it; he was very insistent, however, and I finally reached the conclusion that inasmuch as he had read it aloud to us, and we knew that he was aware of its contents, there was nothing to be gained by refusing to accept the note and accordingly took it back.

"Even after Baron von der Lancken's very positive and definite statement that there was no hope, and that under the circumstances 'even the Emperor himself could not intervene,' we continued to appeal to every sentiment to secure delay, and the Spanish Minister

even led Baron von der Lancken aside in order to say very forcibly a number of things which he would have felt hesitancy in saying in the presence of the younger officers and of Mr. de Leval, a Belgian subject.

"His Excellency talked very earnestly with Baron von der Lancken for about a quarter of an hour. During this time Mr. de Leval and I presented to the younger officers every argument we could think of. I reminded them of our untiring efforts on behalf of German subjects at the outbreak of war and during the siege of Antwerp. I pointed out that, while our services had been rendered gladly and without any thought of future favours, they should certainly entitle you to some consideration for the only request of this sort you had made since the beginning of the war. Unfortunately, our efforts were unavailing. We persevered until it was only too clear that there was no hope of securing any consideration for the case.

"We left the Politische Abteilung shortly after midnight, and I immediately returned to the Legation to report to you.

"HUGH GIBSON."

IX. Monday Night--The Prison of St.-Gilles.

That is what happened at the "Political Department" of the German Administration in Brussels on the evening of Monday, October 11th. Meanwhile, a very different interview was taking place in the Military Prison of St.-Gilles, where Mr. Gahan, the British chaplain in the Belgian capital, had been admitted at last to visit Edith Cavell at 10 o'clock, five hours after the sentence had been passed and four hours before it was put into execution.*

"ON Monday evening, the 11th October." (Mr. Gahan writes), "I was admitted by special passport from the German authorities to the prison of St.-Gilles, where Miss Edith Cavell had been confined for ten weeks. The final sentence had been given early that afternoon.

*Mr. Gahan describes his last interview with Edith Cavell in a report which he drew up a few days later at Mr. Whitlock's request, and from which we quote what follows.

"To my astonishment and relief I found my friend perfectly calm and resigned. But this could not lessen the tenderness and intensity of feeling on either part during that last interview of almost an hour.

"Her first words to me were upon a matter concerning herself personally, but the solemn asseveration which accompanied them was made expressedly in the light of God and eternity. She then added that she wished all her friends to know that she willingly gave her life for her country, and said: 'I have no fear nor shrinking; I have seen death so often that it is not strange or fearful to me. . . .'

"She further said: 'I thank God for this ten weeks' quiet before the end. . . .'

"'Life has always been hurried and full of difficulty. . . .'

"'This time of rest has been a great mercy. . . .'

"'They have all been very kind to me here.

But this I would say, standing as I do in view of God and eternity, I realise that patriotism is not enough. I must have no hatred or bitterness towards anyone.'

"We partook of the Holy Communion together, and she received the Gospel message of consolation with all her heart. At the close of the little service I began to repeat the words 'Abide with me,' and she joined softly in the end.

"We sat quietly talking until it was time for me to go. She gave me parting messages for relations and friends. She spoke of her soul's needs at the moment and she received the assurance of God's Word as only the Christian can do.

"Then I said, 'Good-bye,' and she smiled and said, 'We shall meet again.'"

* * * * * * *

The rest is silence. All we know is the testi-

mony of the German military chaplain who was with her at the end.*

"She was brave and bright to the last. She professed her Christian faith, and that she was glad to die for her country. . . .

"She died like a heroine. . . ."

Beati mortui qui in Domino moriuntur, ut requiescant a laboribus suis; opera enim illorum sequuntur illos.

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* Communicated to Mr. Gahan, and included in the latter's report.